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September 3, 2021

Honorable Mary Kay Vyskocil
United States District Court Judge
Southern District of New York
500 Pearl Street
New York, New York 10013

Re: United States v. Jordan Fishman, Lisa Gianelli, Seth Fishman
20 Cr 160 (MKV-9)

Dear Judge Vyskocil,

This letter is being submitted on behalf of both Lisa Gianelli (Louis Fasulo) and my client, Jordan Fishman, to alert the court to scheduling issues which arise from the court's Trial Scheduling Order dated August 30, 2021. Both Mr. Fasulo and I have been ordered to be prepared to try cases in November or December of this year and we believe this poses a significant conflict with our being prepared to adhere to the court's directive of August 30, 2021.

In Mr. Fasulo's case, he has been ordered by Judge Carter to begin Jury selection on December 6, 2021 in the case of *United States v. Johnson, et al.* (19 Cr 828 (ALC)). That case, which dates back to 2019, involves an incarcerated defendant.

I have been ordered by Judge Caproni to be prepared to begin jury selection as early as November 29, 2021 in a 2019 indictment which is second on the trial list for December 15, 2021. (*United States v. Gnahore and Kone, 19- Cr 808 (VEC)*)
(Both orders are attached)

The pandemic and the trial schedule it has produced is unwieldy for both the court and attorneys. Mr. Fasulo and I know that given the length of the proposed trial in this case, we will not be able to meet our obligations to the judges and clients in the other cases we have cited, if this case moves forward on November 15, 2021.

Accordingly, Mr. Fasulo and I respectfully request that the court re-list this case to the trial calendar in the month of January of 2022. We have conferred with co-counsel, Maurice Sercarz. Mr. Sercarz consents to this request and waives speedy trial rights on behalf of his client, Seth Fishman, until that time in January when the court can list our trial. Were the court to grant this application, both Jordan Fishman and Lisa Gianelli consent to the exclusion of time for purposes of speedy trial. We have alerted the Government to the fact that we would be making this application.

In the alternative, the defendants request that the court set a date and time for a conference so that the parties can be guided as to how we can fulfill our obligation to our clients and the various judges who have ordered us to be prepared for trial.

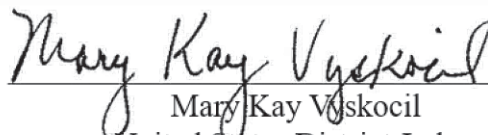
If there are any questions, do not hesitate to contact me.

Respectfully submitted,


Patrick J. Joyce

Counsel for the Government and Defendants should be prepared to address this request at the pretrial conference on September 15, 2021 at 11:00AM.

Date: 9/7/2021
New York, New York


Mary Kay Vyskocil
United States District Judge